

\* \* **§ 362 INFORMATION SHEET** \* \*1      Charles Randall Lazer  
2      DEBTORS-10-20744-lbr  
3      Case No:

MOTION #:

4      PNC BANK, NATIONAL ASSOCIATION  
5      MOVANTCHAPTER: 7**Certification of Attempt to Resolve the Matter Without Court Action:**6      *Moving counsel hereby certifies that pursuant to the requirements of LR 4001(a)(3), an attempt has been  
made to resolve the matter without court action, but movant has been unable to do so.*

7      Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
8      Attorney for Movant9      PROPERTY INVOLVED IN THIS MOTION: 9721 Manheim Lane, Las Vegas, NV 8911710     NOTICE SERVED ON: Debtor   X  ; Debtor's Counsel   X  ; Trustee   X  ;11     DATE OF SERVICE: July 7, 2010**MOVING PARTY'S CONTENTIONS:**

13     The EXTENT and PRIORITY of LIENS:

14     1st \$367,892.9515     2nd \$90,394.0016     3rd \$325.0017     4<sup>th</sup> \$250.0018     Other: Cost of Sale \$15,687.9219     Total Encumbrances: \$383,580.87

20     APPRAISAL of OPINION as to VALUE:

21     \$196,099.00 per Debtor's Schedule**DEBTOR'S CONTENTIONS:**

The EXTENT and PRIORITY of LIENS:

1st \_\_\_\_\_

2nd \_\_\_\_\_

3rd \_\_\_\_\_

4th \_\_\_\_\_

Other: \_\_\_\_\_

Total Encumbrances: \_\_\_\_\_

APPRAISAL of OPINION as to VALUE:

**TERMS of MOVANT'S CONTRACT**

with the DEBTOR

23     Amount of Note: \$352,000.0024     Interest Rate: 5.875%25     Duration: 30 years26     Payment per Month: \$1,970.7827     Date of Default: December 1, 200928     Amount in Arrears: \$16,621.5529     Date of Notice of Default: April 7, 2010

30     SPECIAL CIRCUMSTANCES:

31     SUBMITTED BY: Cindy Lee Stock32     SIGNATURE: /s/ Cindy Lee Stock**DEBTOR'S OFFER of "ADEQUATE PROTECTION" for MOVANT:**

33     .

34     .

35     .

36     .

37     .

38     SPECIAL CIRCUMSTANCES:

39     SUBMITTED BY: \_\_\_\_\_

40     SIGNATURE: \_\_\_\_\_

1 CINDY LEE STOCK  
 2 Nevada Bar No. 803  
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 3 608 South 8<sup>th</sup> Street  
 3 Las Vegas, Nevada 89101  
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**E-FILED JULY 7, 2010**

6 In Association With:  
 6 MALCOLM ♦ CISNEROS, A Law Corporation  
 7 2112 Business Center Drive  
 7 Second Floor  
 8 Irvine, California 92612

9 Attorneys for PNC BANK, NATIONAL ASSOCIATION

10 UNITED STATES BANKRUPTCY COURT

11 DISTRICT OF NEVADA

12 In re: ) Chapter 7  
 13 CHARLES RANDALL LAZER, ) CASE NO. S-10-20744-lbr  
 14 ) Hearing Date: August 23, 2010  
 15 Debtor. ) Hearing Time: 10:30 a.m.  
 16 ) Location: Foley Federal Building  
 16 ) Courtroom No. 1

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

17 Movant, PNC BANK, NATIONAL ASSOCIATION and its successors and/or assigns, by  
 18 and through Cindy Lee Stock of the Law offices of Cindy Lee Stock, P.C., its attorneys, hereby  
 19 moves this Court pursuant to 11 U.S.C. § 362, for its Order Terminating Automatic Stay as it  
 20 applies to certain real property located in Clark County, Nevada.

21 This Motion is based upon the attached Memorandum of Points and Authorities, and the  
 22 362 Information Sheet, as well as upon the documents filed in support of the Motion.

23 DATED this 7<sup>th</sup> day of July, 2010.

24 Respectfully Submitted,

25 LAW OFFICES OF CINDY LEE STOCK, P. C

26 /s/ Cindy Lee Stock

27 CINDY LEE STOCK

28 Nevada Bar No. 803

608 South 8<sup>th</sup> Street

Las Vegas, Nevada 89101

Attorneys for Secured Creditor,

PNC BANK, NATIONAL ASSOCIATION

## **MEMORANDUM OF POINTS AND AUTHORITIES**

## I. INTRODUCTORY STATEMENT

PNC BANK, NATIONAL ASSOCIATION and its successors and/or assigns requests the Court to grant it relief from the automatic stay because there is little or no equity in the Property for the benefit of the Debtor or the estate and because the Debtor has indicated in the Chapter 7 Individual Debtor's Statement of Intention that the Property will be surrendered.

## II. STATEMENT OF FACTS

8       1.     **The Secured Debt.** The Debtor is the Trustor under a Note secured by a Deed of  
9 Trust against the real property commonly known as 9721 Manheim Lane, Las Vegas, NV 89117 (the  
10 “Property”). The Debtor acknowledges the secured debt in the Schedules. True and correct copies  
11 of the Debtor’s Schedules “A” and “D” are attached hereto as Exhibit “1.”

12           2.     **The Default Under The Note.** PNC BANK, NATIONAL ASSOCIATION's Note  
13 and Deed of Trust are contractually due for the December 1, 2009 payment. As a result of the  
14 default, PNC BANK, NATIONAL ASSOCIATION recorded a Notice of Default against the  
15 Property on April 7, 2010. The total delinquency under the Note is set forth in detail on Exhibit "2"  
16 to the Motion.

17           3.    **The Debtor's Interest In The Property.** The Debtor is the owner of record of the  
18   Property.

19           4.       **The Filing Of The Instant Case.** On or about June 9, 2010, Charles Randall Lazer  
20 filed a Chapter 7 Petition as Case No. S-10-20744-lbr.

21       **5. The Total Indebtedness Under The Note.** The total indebtedness owed to PNC  
22 BANK, NATIONAL ASSOCIATION under the Note, exclusive of attorney fees, other  
23 miscellaneous costs and interest that continues to accrue is as follows:

24	Principal Balance	\$	352,000.00
25	Interest as of June 2010	\$	12,010.07
26	Escrow Advance	\$	1,686.92
27	Total Fees	\$	89.00
28	Late Charges	\$	344.68
	Recoverable Balance	\$	1,762.28

6. **The Total Liens On The Property.** The Property is encumbered by the following liens:

	SECURED CREDITOR	APPROXIMATE LIEN AMOUNT
1.	PNC BANK, NATIONAL ASSOCIATION First Deed of Trust	\$ 367,892.95
2.	CITIBANK Second Deed of Trust	\$ 90,394.00
3.	PECCOLE RANCH Property Lien	\$ 325.00
4.	WELLINGTON PARK Property Lien	\$ 250.00
	<b>Total Approximate Lien Amount</b>	\$ 458,861.95

12        7.        **The Value Of The Property.** The amount owing and recorded against the Property  
13 (excluding costs of sale) is at least the sum of \$458,861.95. By the Debtor's own admission, the  
14 Property has a fair market value of \$196,099.00. Accordingly, the Property has little or no equity  
15 for the benefit of the Debtor or the estate. True and correct copies of the Debtor's Schedules "A"  
16 and "D" are attached hereto as Exhibit "1."

### **III. RELIEF FROM STAY SHOULD BE GRANTED UNDER SECTION 362(d)(2) BECAUSE THE PROPERTY HAS LITTLE OR NO EQUITY**

19        The evidence demonstrates that there is little or no equity in the property. By the Debtor's  
20 own admission, the Property has a fair market value of \$196,099.00 while the total indebtedness on  
21 the Property (excluding costs of sale) is \$458,861.95. Based on the foregoing, the stay should be  
22 terminated immediately. PNC BANK, NATIONAL ASSOCIATION has satisfied its burden under  
23 Section 362(d)(2).

#### **IV. REQUEST FOR JUDICIAL NOTICE**

25 Pursuant to Rule 201 of the Federal Rules of Evidence, as made applicable herein by Rule  
26 9017 of the Federal Rules of Bankruptcy Procedure, PNC BANK, NATIONAL ASSOCIATION  
27 requests that the Court take judicial notice of the following facts:

1. The Debtor contends that the Property has a fair market value of \$196,099.00. *See:*  
2. Exhibit "1."
  3. The Debtor contends that there is a second lien on the Property. *See:* Exhibit "1."
  4. The Debtor contends that there are two property liens on the Property. *See:* Exhibit  
5. "1."
    6. The Debtor intends to surrender the Property. *See:* Exhibit "3."

## V. CONCLUSION

8 For the foregoing reasons, and based upon the evidence set forth in this Motion, this Court  
9 should grant the relief requested by PNC BANK, NATIONAL ASSOCIATION including a waiver  
10 of the 14-day stay pursuant to Bankruptcy Rule 4001(a)(3). A Proposed Order is attached hereto as  
11 Exhibit "4."

12 DATED this 7<sup>th</sup> day of July, 2010.

Respectfully Submitted,

LAW OFFICES OF CINDY LEE STOCK, P. C.

/s/ Cindy Lee Stock

## CINDY LEE STOCK

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Attorneys for Secured Cred-

Attorneys for Secured Creditor,  
PNC BANK NATIONAL ASSOCIATION

# THE BANK, NATIONAL ASSOCIATION